

EXHIBIT 5



# COUNTY OF ORANGE

EDWARD A. DIANA  
County Executive

Department of Law  
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DAVID L. DARWIN  
County Attorney

October 30, 2006

MAS  
Mary Jo Whateley, Esq.  
Legal Services of the Hudson Valley  
123 Grand Street, Second Floor  
Newburgh, New York 10550

Re: Samantha Whateley


Dear Ms. Whateley:

Your letter of October 2, 2006 to Sheila Warren has been referred to me for response. The County has no choice but to deny your request for additional speech therapy services under the Early Intervention umbrella. The County may no longer provide such services, now that Samantha is eligible for pre-school services. I refer to you Public Health Law section 2541(8), and the decision in "*BD*" v. *DeBuono*, 130 F.Supp.2d 401 (S.D.N.Y. 2000).

In any event, a large volume of services was provided to Samantha, and no speech therapy services were provided from February onward because the family rejected the person who had been providing the services, and because no substitute was available.

Accordingly, under these circumstances, it would simply not be appropriate to provide the additional services you request.

Very truly yours,

  
Matthew J. Nothnagle  
Senior Assistant County Attorney

cc: Jean M. Hudson, M.D.  
Mr. Christopher Dunleavy  
Ms. Sheila Warren